



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

December 9, 2013  
Certified Mail  
7012 3460 0003 1113 0017

City of Gridley  
685 Kentucky St.  
Gridley, CA 95948

Attention: Robert Hickey, City Administrator

**Subject: City of Gridley Public Water System No. 0410007 –Compliance Order for Exceeding Arsenic Maximum Contaminant Level**

Enclosed is Compliance Order No. 21-13R-004 which is hereby issued by the California Department of Public Health (Department) to the City of Gridley (Water Supplier) for non-compliance with the maximum contaminant level (MCL) for arsenic of 0.010 mg/l (milligrams per liter).

This Compliance Order requires the following: (1) Quarterly public notice to customers that drinking water from the Wilson Avenue Well exceeds the arsenic MCL; (2) submittal of an application for funding to address the arsenic problem; and (3) continued quarterly monitoring for arsenic. Also, please note that the Compliance Order requires that the Water Supplier respond in writing by no later than December 31, 2013, stating its intent to comply with the directives of this Order.

Please read the Compliance Order carefully and thoroughly. If you have any questions or comments, your Department staff contact is Dan Cikuth, (530) 224-3271, or if you wish to phone me, I can be reached at (530) 224-4861.

Reese B. Crenshaw, P.E.  
Valley District Engineer  
Drinking Water Field  
Operations Branch

Enclosures

cc: Richard Hinrichs, P.E., Chief, Northern Section  
Bruce Burton, P.E., Chief, Northern Branch  
Butte County Department of Environmental Health

**STATE OF CALIFORNIA  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

IN RE: **CITY OF GRIDLEY**  
Water System No. 0410004

TO: Robert Hickey, City Administrator  
685 Kentucky St.  
Gridley, CA 95948

ISSUED: December 6, 2013  
VIA CERTIFIED MAIL

**COMPLIANCE ORDER FOR  
ARSENIC MAXIMUM CONTAMINANT LEVEL VIOLATION**

Section 116555, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the California Department of Public Health (hereinafter Department) to issue a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued or adopted pursuant to Chapter 4. The Department regulates public water systems for compliance with all California regulations related to drinking water.

**APPLICABLE AUTHORITIES**

Section 116555 (a)(1) and (a)(3) of the CHSC

Title 22, Section 64431(a) of the CCR

Section 116725 of the CHSC

Section 116730 of the CHSC

The text of these sections is included in the Appendix.

**FINDINGS AND BACKGROUND**

A February 2013 arsenic test result which exceeded 0.010 mg/l triggered the requirement for quarterly monitoring at the Wilson Avenue Well. Beginning with the first calendar quarter of 2013, samples were collected quarterly from this well and analyzed for arsenic by a State-certified laboratory. The results are as follows:

First Calendar Quarter 2013 ..... 0.0136 mg/L

Second Calendar Quarter 2013 ..... 0.0068 mg/L

Third Calendar Quarter 2013 ..... No Sample Reported

Fourth Calendar Quarter 2013 ..... 0.0142 mg/L

**Four-Quarter Average ..... 0.0115 mg/L**

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2 In January 2006, the federal maximum contaminant level for arsenic was  
3 reduced from 0.050 mg/L to 0.010 mg/L. This reduced arsenic maximum  
4 contaminant level (0.010 mg/L) was subsequently adopted in California,  
5 effective November 28, 2008.  
6

7  
8 The water system is classified as community water system and is subject to  
9 the arsenic maximum contaminant level of 0.010 mg/L.  
10

11 To date, the water supplier has not provided the Department with a plan for  
12 achieving compliance with the arsenic maximum contaminant level at the  
13 Wilson Avenue well.  
14

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16 **CONCLUSIONS OF LAW**  
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18 Based on the above Findings, the Department has determined that the  
19 Water Supplier has violated provisions contained in the California Health and  
20 Safety Code and Title 22, California Code of Regulations (CCR). These  
21 violations include, but are not limited to, the following:  
22

- 23  
24 1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the  
25 Water Supplier is operating a well that produces water that does not  
26 comply with the primary drinking water standards.  
27

1  
2 2. H&S Code Section 116555(a)(3). Specifically, the Water Supplier  
3 failed to ensure that a reliable and adequate supply of pure,  
4 wholesome, healthful, and potable water is provided to all of its  
5 consumers.

6  
7  
8 3. CCR Section 64431(a). Specifically, the water produced by the Water  
9 Supplier exceeds the maximum contaminant level of 0.010 mg/L for  
10 arsenic, and therefore, does not comply with a primary drinking water  
11 standard.

12  
13 **ORDER**

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15  
16 The Water Supplier is hereby directed to complete the following actions:

17  
18 1. Submit a written response by no later than December 31, 2013  
19 indicating its willingness to comply with the directions of this order.

20  
21 2. Until such time that the Water Supplier is in compliance with the  
22 maximum contaminant level for arsenic, the Water Supplier shall  
23 provide public notification to all consumers once each calendar  
24 quarter, at approximately 90-day intervals, which notifies  
25 consumers that the domestic water exceeds the arsenic maximum  
26 contaminant level.  
27

1 The Water Supplier shall submit a copy of the quarterly notification  
2 and certification that it has been distributed to water users to the  
3 Department by no later than the tenth day of the month following  
4 the month the notification was distributed. The notification and  
5 certification shall be in the form and manner directed by the  
6 Department.  
7

8  
9 3. When provided the opportunity by this Department via an invitation  
10 letter, submit a notice of intent to apply for funding, followed by a  
11 funding application.  
12

13  
14 4. Directive 3 above shall not apply if another source of funding is  
15 secured prior to the Department sending an invitation to apply for  
16 funds.  
17

18  
19 5. Continue monitoring quarterly for arsenic.

20 The Department reserves the right to make modifications to this Order  
21 as it may deem necessary to protect public health and safety. Such  
22 modifications may be issued as amendments to this Order and shall  
23 be effective upon issuance.  
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25 If the Water System is unable to perform the tasks specified in this Order for  
26 any reason, whether within or beyond its control, and if the Water System  
27 notifies the Department in writing no less than thirty days in advance of the

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2 due date, the Department may extend the time for compliance if the Water  
3 System demonstrates that it has used its best efforts to comply with the  
4 schedule and other requirements of this Order.

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6 If the Water System fails to perform any of the tasks specified in this Order  
7 by the time described herein, the Water System shall be deemed to have not  
8 complied with the obligations of this Order and may be subject to additional  
9 judicial action, including civil penalties specified in CHSC Code, Sections  
10 116725 and 116730.  
11

12  
13 The State of California shall not be liable for any injuries or damages to  
14 persons or property resulting from acts or omissions by the Water System,  
15 its employees, agents, or contractors in carrying out activities pursuant to  
16 this Order, nor shall the State of California be held as a party to any contract  
17 entered into by the Water System or its agents in carrying out activities  
18 pursuant to this Order. By issuance of this Order, the Department does not  
19 waive any future enforcement actions.  
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23 **PARTIES BOUND**  
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25 This Order shall apply to and be binding upon the City of Gridley, its officers,  
26 directors, agents, employees, contractors, successors, and assignees.  
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**SEVERABILITY**

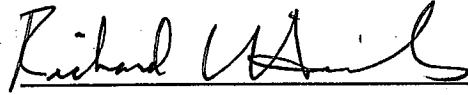
The requirements of this Order are severable, and the City of Gridley shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

**CIVIL PENALTIES**

Failure to comply with any provision or compliance schedule of this Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties of up to \$200 per day on the Water System.



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Date

Richard L. Hinrichs, P.E., Chief  
Northern California Section  
DRINKING WATER FIELD  
OPERATIONS BRANCH

cc: Reese Crenshaw, P.E., Valley District Engineer  
Butte County Department of Environmental Health

**Attachments:**

Attachment A: Proof of Notification Form  
Attachment B: Public Notification Notice



**Certified Mail No. 7012 3460 0003 1113 0017**

**APPENDIX**

Section 116555 (a)(1) and (a)(3) of the CHSC provide:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 64431 (a) of the CCR provides:

(a) Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

**Table 64431 A****Maximum Contaminant Levels****Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.

Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as NO3)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

Section 116725 of the CHSC provides:

**§116725. Civil penalties.**

- (a) Any person who knowingly makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes of compliance with this chapter, may be liable, as determined by the court, for a civil penalty.

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2 not to exceed five thousand dollars (\$5,000) for each separate violation  
3 or, for continuing violations, for each day that violation continues.  
4

5 (b) Any person who violates a citation schedule of compliance for a  
6 primary drinking water standard or any order regarding a primary  
7 drinking water standard or the requirement that a reliable and adequate  
8 supply of pure, wholesome, healthful, and potable water be provided  
9 may be liable, as determined by the court, for a civil penalty not to  
10 exceed twenty-five thousand dollars (\$25,000) for each separate  
11 violation or, for continuing violations, for each day that violation  
12 continues.  
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15 (c) Any person who violates any order, other than one specified in  
16 subdivision (b), issued pursuant to this chapter may be liable, as  
17 determined by the court, for a civil penalty not to exceed five thousand  
18 dollars (\$5,000) for each separate violation or, for continuing violations,  
19 for each day that violation continues.  
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21

22 (d) Any person who operates a public water system without a permit  
23 issued by the department pursuant to this chapter may be liable, as  
24 determined by the court, for a civil penalty not to exceed twenty-five  
25 thousand dollars (\$25,000) for each separate violation or, for continuing  
26 violations, for each day that violation continues.  
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(e) Each civil penalty imposed for any separate violation pursuant to this section shall be separate and in addition to any other civil penalty imposed pursuant to this section or any other provision of law.

Section 116730 of the CHSC provides:

**§116730. Misdemeanors and felonies.**

(a) Any person who knowingly does any of the following acts may, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment:

(1) Makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for the purposes of compliance with this chapter.

(2) Has in his or her possession any record required to be maintained pursuant to this chapter that has been altered or concealed.

(3) Destroys, alters, or conceals any record required to be maintained pursuant to this chapter.

(4) Withholds information regarding an imminent and substantial danger to the public health or safety when the information has been requested by the department in writing and is required to carry out the department's responsibilities pursuant to this chapter in response to an imminent and substantial danger.

(5) Violates an order issued by the department pursuant to this chapter that has a substantial probability of presenting an imminent danger to the health of persons.

(6) Operates a public water system without a permit issued by the department pursuant to this chapter.

(b) If the conviction under subdivision (a) is for a violation committed after a first conviction of the person under this section, the person may be punished by imprisonment in the state prison for up to 24 months, or in the county jail for not to exceed one year, or by a fine of not less than two thousand dollars (\$2,000) or more than fifty thousand dollars (\$50,000) per day of violation, or by both the fine and imprisonment.